**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

SMITHVILLE 169, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:11-CV-0872-DGK
CITIZENS BANK & TRUST COMPANY,	)	
	)	
Defendant.	)	

ORDER DENYING MOTION TO REMAND

This case arises out of a $7,950,000 loan made by Defendant Citizens Bank & Trust Company to Plaintiff Smithville 169 which the other Plaintiffs guaranteed. Defendant alleges Smithville 169 and the Plaintiff guarantors failed to pay off the loan when it became due. Plaintiffs allege Defendant breached the loan agreements first and committed a variety of economic torts, including fraud, tortious interference with contracts and business expectancy, and violation of the federal Equal Credit Opportunity Act ("ECOA").

This case was originally filed in Missouri state court and then removed by Defendant to this Court pursuant to this Court's federal question jurisdiction. Now before the Court is Plaintiffs' Motion to Remand (doc. 10). Plaintiffs' motion is premised on there being no claim before the Court over which it possesses original jurisdiction. Plaintiffs' argument is that when a federal court has dismissed all the claims over which it possesses original jurisdiction, it should not exercise its supplemental jurisdiction to hear any remaining state law claims. Pl.'s Mem. in Supp. at 4-5.

But the factual predicate for this argument does not exist. On November 17, 2011, the Court denied Plaintiff Beverly Nelson's motion to dismiss without prejudice her ECOA claim, the sole claim over which this Court possesses original jurisdiction. Given that the Court

possesses original subject matter jurisdiction over a claim in this case, the interests of judicial economy, convenience, and fairness all weigh in favor of the Court hearing all the other claims arising from this controversy under its supplemental jurisdiction.

Plaintiffs' motion (doc. 10) is DENIED.

IT IS SO ORDERED.

Date: December 13, 2011   /s/ Greg Kays
                                                                         GREG KAYS, JUDGE
                                                                         UNITED STATES DISTRICT COURT